

A.F.R. 37

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

Single Bench: Hon'ble Shri S.R. Nayak, CJ

**Writ Petition No. 6163 OF 2005**

**PETITIONER**

Sanjeev Kumar Sahu  
Aged about 22 years  
S/o Shri Meghraj Sahu  
R/o Qr. No. 2B Street 12  
Sector 6, Bhilai Nagar  
District Durg (C.G.)

Versus

**RESPONDENTS**

1. Indira Gandhi Krishi  
Vishwavidyalaya through  
Registrar, Raipur (C.G.)
2. Vice Chancellor  
Indira Gandhi Krishi  
Vishwavidyalaya Raipur (C.G.)
3. Dean  
Bhartiya Krishi College  
Durg (C.G.)

**Present:**

Mr. Rahul Jha, learned counsel for the petitioner.

**ORAL ORDER**

(Passed on 6<sup>th</sup> of December 2005)

The petitioner is a student of the course leading to B.Sc (Agriculture) degree and he is studying in second year. He appeared for the examination in the subject called EMA-111 (Engineering Mathematics) in the main examination of first semester (odd semester) and he secured 26 marks out of 50 marks. The petitioner thinking that his answer script in the subject EMA-111 (Engineering Mathematics) was not properly assessed, sought revaluation of the answer script in the said subject. After the revaluation of his answer script in the subject EMA-111 (Engineering Mathematics), he secured 20 marks out of

50 marks, thereby he was declared failed in the subject. In the circumstance, he has filed this writ petition under Article 226 of the Constitution of India praying for a direction to the respondents to declare the petitioner passed in the subject of EMA-111 (Engineering Mathematics). The petitioner has also sought for a direction to the respondents to produce his answer script before the Court.

(2) I have heard learned counsel for the petitioner. It was contended that the petitioner did very well in the subject of EME-111 (Engineering Mathematics) and that he could not have been given 20 marks out of 50 marks under any circumstance.

(3) It is quite often said and reiterated by the Courts that in academic matters, the Courts should be very slow to interfere with the affairs of the University and the decisions and assessment of academic bodies. It is not the case of the petitioner that the person who revalued the answer script in the subject of EMA-111 (Engineering Mathematics) was biased against him or that he deliberately and vindictively has given less marks than what the petitioner has actually deserved. The self-assessment of the petitioner that he should get ~~much~~ more marks than 20 out of 50 marks is of no significance and is wholly irrelevant to the decision-making. The petitioner cannot be a Judge of his own cause. His knowledge and performance in the examination is to be tested by the University Authorities.

(4) Learned counsel for the petitioner would strenuously contend that the Court atleast summon the answer script and peruse the same. There is no need for this Court to peruse the answer script. It is not the case of the petitioner that the marks awarded by the examiner are not added-up properly. His specific grievance is that the answer script is not correctly assessed. Be

that as it may, it is fairly well settled by a catena of decisions of the Supreme Court starting from the Judgment in the case of Maharashtra State Board of Secondary and Higher Secondary Education and another Vs. Paritosh Bhupesh Kurmarsheth etc. (AIR 1984 S.C.-1543) that it is not the right of any student who appears for an examination either to seek re-totalling of the marks obtained by him or revaluation of the answer script unless the rules and regulations provide for it. The High Court is not an expert to assess the answer script in the subject of EMA-111(Engineering Mathematics). The assessment of answer script in the subject of EMA-111(Engineering Mathematics) is verymuch within the domain of the expert in that discipline. The High Court by merely perusing the answer script would not be in a position to decide whether the answer script is properly assessed or not. Lastly, learned counsel would request that he may be permitted to make a representation to the respondents. It is for the respondents to consider the representation, if such representation is made, but the Court would not be justified either in permitting the petitioner to make representation or directing the respondents to consider such representation, because, no law is brought to the notice of the Court which enables the petitioner to make a representation in a situation like this and which obliges the respondents to consider such representation as a matter of legal obligation. In the result, the writ petition is devoid of merit and it is accordingly dismissed. There shall be no order as to costs.

Sd/-  
Chief Justice